

REMARKS

Claims 34-39 are currently pending in the current application. Claim 34 stands rejected by the January 28, 2008 final Office Action. Claim 34 is amended by the present response, and claims 35-39 are newly added by this amendment. Claims 34-36 are independent claims, and claims 37-39 depend, either directly or indirectly, from claim 36. Applicants respectfully request reconsideration of the Application, in light of the following remarks.

Rejection of Claim 34 as being anticipated by Meyer

Claim 34 stands rejected under 35 U.S.C. §102(e) as being anticipated by Meyer *et al.*, U.S. Patent No. 6,915,271 (hereinafter “Meyer”). Applicants respectfully traverse that rejection. Applicants respectfully submit that Meyer does not teach or disclose, at least, “offering, by a second system of a second party, an item for sale online at a sales price amount” and “providing a portal containing a plurality of promotions wherein a buyer can search for a promotion from the first party associated with the item for sale, the promotion having a promotion amount.”

The Office Action asserts that Meyer discloses “offering, by a second system of a second party, an item for sale online at a sales price amount” at Figs. 31-35 and 39:55-41:22. (*See* Office Action at p. 2.) Applicants respectfully submit that the cited portions of Meyer do not disclose offering, by a second system of a second party, an item for sale online at a sales price amount, as claimed in claim 34 (which also recites “providing a portal....wherein a buyer can search for a promotion the first party associated with the item for sale...”). For example, Figs. 31-35 illustrate incentives, not sales price amounts. Fig. 33, for instance, displays such incentives as “\$5 off Windsor Mugs” or “Free Beanie Baby with Toy Purchase.” Fig. 35, as another example, displays incentives showing a percentage or dollar amount off, and not sales price amounts. Further, the “Buy Now” option in the cited portion of Meyer is, for example, “pressed from an incentive display.” (*See* Meyer at 40:64-65). Applicants respectfully submit that Meyer’s use of a “buy now” option as part of a displayed incentive is different from “offering, by a second system of a second party, an item for sale online at a sales price amount” as claimed as described in claim 34 (which also recites “providing a portal....wherein a buyer can search for a promotion the first party associated with the item for sale...”).

For example, Applicants submit that the cited portions of Meyer do not disclose “providing a portal containing a plurality of promotions wherein a buyer can search for a

promotion from the first party associated with the item for sale, the promotion having a promotion amount” as claimed by the presently claimed subject matter. Even if it is assumed, *arguendo*, that Meyer discloses both a portal containing a plurality of promotions wherein a buyer can search for a promotion from the first party, as well as an item later offered for sale, Meyer still would not disclose the search for a promotion from the first party associated with the item for sale as claimed and described in claim 34, because the “buy now” feature is part of the “incentive” of Meyer. In the presently claimed subject matter, the buyer can search for promotions associated with the item for sale, where the item has previously been offered for sale at a sales price amount, as recited in the previous clause of claim 1. On the other hand, the “buy now” feature of Meyer is presented as part of the incentive, and therefore the incentive of Meyer cannot be searched for as a promotion associated with an item for sale “online at a sales price amount.” To the extent Meyer, *arguendo*, would offer an item for sale at a sales-price amount, that amount would not appear to be known or seen until after the incentive were located and the “buy now” feature selected. Thus, any search for a promotion in Meyer could not be associated with an item previously offered for sale at a sales price amount. For at least that reason, Applicants respectfully submit that the cited portions of Meyer do not disclose each and every limitation of claim 34, as arranged in claim 34, and therefore Meyer does not anticipate that claim. *See* MPEP §2131.

New Claims

Applicants have also submitted new independent claims 35 and 36, and new dependent claims 37-39 that depend from claim 36. Support for these claims may be found, for example, in the Specification as originally filed at pages 14-18. Applicants respectfully submit that these claims are additionally allowable.

Conclusion

In general, the Office Action makes various statements regarding claim 34 and the cited reference that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

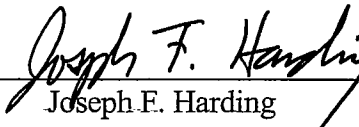
The Applicants believe that pending claims 34-39 are allowable. Should the Examiner disagree or have any questions regarding this submission, the Applicant invites the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Dated: July 28, 2008

By:


Joseph F. Harding
Reg. No. 48,450

McAndrews, Held & Malloy, Ltd.
500 West Madison Street - Ste. 3400
Chicago, Illinois 60661
(312) 775-8000